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Held at Headquarters, New York,
on Friday, 22 July 1994, at 3 p.m.

President: Mr. DANGUE REWAKA (Gabon)
(Vice-President)

CONTENTS

SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS (continued)

(b) IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued)

(c) IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued)

(d) HUMAN RIGHTS QUESTIONS (continued)

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The meeting was called to order at 3.30 p.m.

In the absence of Mr. Butler (President), M. Dangue Rewaka (Gabon), Vice-President, took the chair.

SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS (continued)

(b) IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued) (E/1994/78, E/1994/97)

(c) IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued) (A/49/216, A/49/263-E/1994/112, E/1994/114, E/1994/96)

(d) HUMAN RIGHTS QUESTIONS (continued) (A/49/41, A/49/261-E/1994/110, A/49/264-E/1994/113, A/49/270-E/1994/116, E/1994/5, E/1994/23, E/1994/24, E/1994/63, E/1994/76 and Add.1, E/1994/106, E/1994/107; E/1994/L.13, L.15, L.26; E/1994/NGO/6)

Mr. SLOKENBERGS (Observer for Latvia) said that his Government looked forward to the visit to Latvia and other countries in the Baltic Sea region by the High Commissioner for Human Rights in August 1994. Its invitation to the High Commissioner was consistent with its policy of openness, whereby its transition to democracy and a market economy and its ongoing process of restoration of its independence had been opened to the world for inspection.

Referring to the comment made at the previous meeting by the representative of the Russian Federation to the effect that Latvia was seeking to develop a "mono-ethnic" State, he said that that statement did not coincide with reality. Latvia had already been a multicultural society in 1940 when it had been occupied and illegally annexed by the Soviet Union. Since regaining its independence in 1991, Latvia had continued to be a polyethnic society, as evidenced by the approximately 400,000 non-ethnic Latvians who were currently citizens of Latvia.

Latvia was striving to integrate the populations that had been transferred into its territory by the Soviet occupation regime. A significant step had been taken earlier that day, when the Parliament of Latvia had adopted the law on citizenship. Although citizenship laws as such were an internal matter for States, in developing that legislation the Parliament of Latvia had had close consultations with regional organizations, in particular the Council of Europe and the Conference on Security and Cooperation in Europe. The law was in full conformity with the standards advocated by those organizations.

Many unsubstantiated accusations and much colourful rhetoric had been heard from the representative of the Russian Federation. No expulsions were taking place, nor would persons applying for citizenship ever be judged on the basis of ethnicity. It was intriguing that the Russian delegation placed such

(Mr. Slokenbergs)

focus on two small peaceful nations, Estonia and Latvia, and said nothing about the armed conflicts involving death, destruction, displacement and gross human rights violations which were raging in several areas in the former Soviet Union. It was perhaps not a debate about human rights at all.

Mr. ELIASSON (Observer for Sweden) said that his delegation attached great importance to the Daw Aung San Suu Kyi case. It had therefore issued a national statement, and had also joined the European Union, Austria, Finland and Norway in issuing a joint statement on the fifth anniversary of her detention.

Mrs. LATERZA (Paraguay) said that her delegation was pleased that the Commission on Human Rights was now considering cases of human rights violations in all continents and political systems, as a result of the new climate prevailing in international relations. There was no doubt that the procedures and mechanisms could be improved, but that should be done within the existing forums the Commission itself, the Council, and the General Assembly and under the rules of the Organization. Meanwhile, the Commission needed to accord greater attention to the new aspects of the protection of human rights relating to basic needs and decent standards of living.

Mr. LEE (Republic of Korea) said that the special rapporteurs, special representatives and independent experts of the Commission on Human Rights played a crucial role; many had reported serious human rights violations taking place around the world. He commended those Governments, including the Government of Myanmar, which had cooperated with the special rapporteurs by allowing them to make fact-finding visits. It was regrettable that other countries were continuing to reject fact-finding missions and that many Governments had failed to comply with the recommendations of the special rapporteurs. Without the full cooperation of the Government concerned, the Commission could not achieve its goals.

One of the most urgent tasks of the Commission was to rationalize its agenda; his delegation hoped that the open-ended working group established under decision 1994/111 would develop a balanced agenda for the fifty-first session of the Commission.

Ms. SAPCANIN (Observer for Bosnia and Herzegovina) said that her delegation sought clarification as to whether the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia would be presenting a report to the General Assembly at its forty-ninth session. Her delegation had raised the issue in the Third Committee because the Special Rapporteur had been absent at the forty-eighth session. Her delegation commended the Special Rapporteur's efforts; according to his reports and those of various human rights organizations, grave violations of human rights were

(Ms. Sapcanin)

being perpetrated by the Serbian forces against the non-Serbian population of Bosnia and Herzegovina. Those violations had intensified.

Mr. AL-MUAKKAF (Libyan Arab Jamahiriya) said that his delegation wished to draw attention to the sufferings of the Libyan people; Libyan children and women were being deprived of vaccines and medicines and the entire population was suffering from shortage of foodstuffs. Many people, unable to go abroad for treatment because of the embargo, had died. The suffering of the people was increasing daily. His delegation therefore called on the Council to lift the sanctions so that the Libyan Arab Jamahiriya could pursue its economic and social development and promote prosperity for its people.

Mr. GHAFOORZAI (Observer for Afghanistan) said that his delegation had a special interest in the work of the Commission on Human Rights relating to the situation of human rights in Afghanistan. He expressed appreciation for the efforts of the Special Rapporteur and the useful services he had rendered. During the year under review his Government had continued to cooperate with the Special Rapporteur and assist him in the discharge of his mandate. That was reflected in the report and in resolution 1994/84 of the Commission on Human Rights.

Political life in Afghanistan, after 14 years of war entailing enormous sacrifices, had entered a transitional period following the collapse of the communist regime and the establishment of an islamic State in April 1992. Afghanistan needed assistance from the international community in order to move successfully through the transitional period and establish peace and stability and a political process based on the free exercise of the right of self-determination, including free and general elections with the objective of the full enjoyment of fundamental rights and freedoms by all Afghans.

The fifteenth preambular paragraph of resolution 1994/84, concerning the decline in the repatriation of Afghan refugees, did not correspond to the actual situation; repatriation had been slowed down by the fact that over 10 million land mines remained in Afghanistan. Paragraph 11 referred to «prisoners of war and persons missing as a result of war in Afghanistan» but made no reference to the aggression against Afghanistan. In paragraph 26, the human rights situation in Afghanistan was wrongly linked with the question of colonial and other dependent countries and territories. That reference was a affront to the sovereignty and political independence of Afghanistan. The world community was aware that Afghanistan had paid 1.7 million lives for its freedom in order to avoid becoming a colonial territory. It was not clear whether the concept had been included inadvertently or was a product of

(Mr. Gharfoorzai)

lobbying by those who wished to see Afghanistan become a colony but had failed.

Ms. FERTEKLIGIL (Observer for Turkey), referring to resolution 1994/64 of the Commission on Human Rights entitled «Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance», said that the new forms of racism and racial discrimination were among the most serious problems to be solved in the context of the struggle against human rights violations in modern societies. Racist incidents were continuing to occur, especially in developed countries, and innocent people were its victims. The increasing circulation of persons of different cultures, civilizations and religions could only aggravate the problem by giving racist movements new targets for their attacks; it was therefore necessary to be more vigilant than ever before against such movements.

Migrant workers were one of the groups most threatened by the new forms of racism, although they contributed to the economic development of the countries where they lived and fulfilled all their obligations to the host country. They often faced all kinds of insults and attacks by racist groups, and even threats to their lives. Therefore, in addition to measures to protect persons threatened by such acts, it was absolutely necessary to implement anti-racist policies which would strengthen cultural pluralism and social harmony.

Turkey believed that it was very important to give all necessary assistance to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and supported his proposal to organize an interdisciplinary seminar. It hoped that Member States and the Secretariat would provide organizational and budgetary support for the seminar, which would be very useful in the context of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

On resolution 1994/46, entitled «Human rights and terrorism», she said that terrorism was one of the great scourges of the century, causing flagrant violations of human rights in a growing number of countries. Turkey condemned all terrorist acts, practices and methods. It was very concerned about the increasing number of innocent victims and believed that unequivocal condemnation of terrorism by the international community and a strengthening of cooperation in the fight against terrorism at all levels national, regional and international was more necessary than ever before to resolve that grave problem.

Mr. RUEHL (United States of America) said that he supported the request made by the representative of Bosnia and Herzegovina; it was his delegation's understanding that the Special Rapporteur on the situation of

(Mr. Ruehl)

human rights in the territory of the former Yugoslavia was supposed to deliver his report in person to the Third Committee.

Mr. FALL (Assistant Secretary-General for Human Rights) said that the Special Rapporteur had not submitted a report to the General Assembly in 1993 because the relevant resolution of the Commission on Human rights had not mentioned that obligation; the obligation had been mentioned in the 1992 resolution and again in resolution 1994/72, paragraph 37 of which requested the Special Rapporteur to submit periodic reports to the Commission and the General Assembly and also requested the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council.

The PRESIDENT said that he had received a request from two non-governmental organizations (NGOs) to address the Council under sub-item 5 (d). It would be recalled that the Committee on Non-Governmental Organizations, in conformity with resolution 1296 (XLIV) of the Council and article 84 of its rules of procedure, had recommended that the Council should hear a certain number of NGOs under specific agenda items. Furthermore, at its 32nd meeting, the Council had approved the requests for hearings by the NGOs listed in document E/1994/89 as well as a request from the World Muslim Congress to be heard under agenda item 5 (d).

Ms. MANIMEKALAI (India), speaking on a point of order, said that her delegation had strong reservations regarding the participation of the world Muslim Congress on two grounds: first, the World Muslim Congress had a history of attacks against India on specious grounds, and second, its participation had not been approved through the Committee on Non-Governmental Organizations under the normal procedure, and no corrigendum to the list of participating NGOs had been issued.

Mr. SAFI (World Muslim Congress) said that he was the General Secretary of the Jammu and Kashmir All Parties Hurriyat Conference, the umbrella organization for thirty-four Kashmiri political parties and groups representing the entire spectrum of Kashmiri opinion. Kashmir had been under Indian rule for 46 years while awaiting fulfillment of the promise made by the United Nations, India and Pakistan. The Security Council had clearly mandated that the final disposition of Jammu and Kashmir would be determined in accordance with the wishes of the people expressed through an impartial plebiscite under the auspices of the United Nations. After 46 years, that pledge remained unfulfilled. The Indian occupation continued and the Indian authorities continued to brutalize the people of Jammu and Kashmir.

For the people of Kashmir, Indian occupation had been an experience of pain, humiliation and suffering beyond endurance. However, they had continued their peaceful struggle to seek the implementation of United Nations

(Mr. Safi)

resolutions. In November 1989, India had tried to stage State-managed elections; the Kashmiris had once again rejected that hoax. It was widely documented that less than 3 per cent of Kashmiris, mostly Indians forced upon Kashmiri soil, had participated in those elections. The Kashmiris had started organizing peaceful demonstrations against the Indian occupation.

Mr. SREENIVASAN (India), speaking on a point of order, asked under which agenda item the representative of the World Muslim Congress was speaking. It had been made clear that representatives of NGOs must speak about specific items that were before the Council.

The PRESIDENT said that he assumed that the representative of the World Muslim Congress was speaking under item 5. He requested him to concentrate on specific action to be taken, as required by the rules of the Council.

Mr. SAFI (World Muslim Congress) said that in January 1990, 150 peaceful marchers had been gunned down. Since then, India had considerably escalated its repression. Its forces of over 600,000 had tried to stifle the Kashmiri movement in the harshest way imaginable; to date they had killed over 40,000 Kashmiris, tortured and maimed thousands, raped over 5,000 women, burned down $400 million worth of personal and commercial property and held 50,000 Kashmiris in torture camps. The Kashmiri political leadership was being systematically eliminated. Some were languishing in jail; others had been assassinated by Indian agents.

Mr. SREENIVASAN (India), speaking on a point of order, said that the President had said that speakers before the Council should confine themselves to the resolutions and decisions that had been before the Commission on Human Rights. There was no resolution about India. He therefore requested the President to rule that the representative of the World Muslim Congress was out of order.

The PRESIDENT said that he wished to remind representatives of NGOs to refrain from making general statements and to confine themselves to decisions of the Council. He requested the representative of the World Muslim Congress to concentrate on action to be taken.

Mr. SAFI (World Muslim Congress) said that Kashmir was under Indian military occupation; half a million Indian soldiers were brutalizing the Kashmir valley. It was ruled by an Indian general, under emergency laws which encouraged murder, torture and rape; no Indian soldier feared punishment for such crimes.

Mr. SREENIVASAN (India), speaking in exercise of the right of reply, said that the World Muslim Congress, which was based in Karachi, would have done well to throw light on the human rights violations occurring in the city

(Mr. Sreenivasan, India)

where it was based. His delegation would, however, reply directly to the country for which the World Muslim Congress acted as proxy. As had been demonstrated in the Council's 43rd meeting, Pakistan was seeking to pursue its political agenda in the guise of a discussion of human rights. At the fiftieth session of the Commission on Human Rights, it had attempted to obtain a resolution condemning India, but had been forced to withdraw it for lack of support. India had made no commitments in connection with that resolution or its withdrawal and made no distinction on the basis of religion with respect either to its own citizens or to ambassadors of foreign countries. The core of the problem was Pakistan's promotion of terrorism in neighbouring Indian states, about which Pakistan openly boasted. A fact sheet recently published in Pakistan had drawn attention to the sharp deterioration of the human rights situation in that country over the past nine months. Before talking about human rights violations in India, Pakistan should first practice the virtues it pretended to preach.

Mr. AKRAM (Pakistan) said that his delegation had raised the Kashmir issue in the Council because that issue had figured prominently in the fiftieth session of the Commission on Human Rights. Moreover, although India might deny that it had made any commitments on the subject when Pakistan had agreed to withdraw its draft resolution in the Commission on Human Rights, the representative of Iran had referred to that commitment, and to India's agreement to receive a group of Islamic ambassadors, in a statement made in the Commission. If India had nothing to hide it would allow access to Kashmir by the international human rights and other organizations which had requested it. It had refused to do so because massive repression was in fact taking place there.

The Indian representative had referred to terrorism, but the fact was that India had promoted terrorism in Sri Lanka and Pakistan, had directed constant broadcasts to Sind promoting secession there and had instigated and supported extremists groups in Karachi. The press in Pakistan was free and did not practice the self-censorship of the Indian media. What Pakistan asked of India was that it should withdraw its army from Kashmir. Kashmir was not a part of India, it was a disputed territory whose future must be decided according to the wishes of its population expressed in a free and impartial plebiscite.

Mr. SREENIVASAN (India) said that the representative of Pakistan was not discussing a human rights question but pursuing its political and territorial ambitions. The report of the Commission on Human Rights, in summarizing the Commission's action on the question, made no reference to any

(Mr. Sreenivasan, India)

understanding reached with India. No matter what Pakistan did or tried to do, Kashmir was a part of India and would remain so forever.

Mr. AKRAM (Pakistan) said that the people of Kashmir hated and rejected India, as the Council had just been able to hear for itself. What India was doing in Kashmir was carrying out a brutal and naked repression of its people.

Mrs. von ROEMER [International Confederation of Free Trade Unions (ICFTU)] said that her organization, which had been involved from the outset in the long struggle for the creation of the post of High Commissioner for Human Rights, listened to his address and studied the report on his initial activities with great interest. As the High Commissioner had pointed out, his mandate included the responsibility of engaging in a dialogue with all Governments with a view to securing respect for all human rights. The ICFTU had therefore welcomed the increased attention paid to economic, social and cultural rights by the Commission on Human Rights. It was a sad fact, however, that the people who fought for those rights were among those most likely to be subjected to violations of their civil and political rights. Greater attention to economic, social and cultural rights therefore implied greater attention to the rights of those who struggled for their realization. In all too many countries, being a trade unionist was still a very dangerous occupation. Men and women were murdered, tortured, forced into exile, imprisoned, harassed or dismissed simply for defending legitimate and internationally recognized workers' rights. The latest ICFTU survey of violations of trade union rights showed that 92 trade unionists had been murdered in the past year in 14 countries.

The ICFTU commended the Commission on Human Rights for addressing that situation in its resolution 1994/63. It would wish to see more attention to the violations of trade union rights in the reports of the various Special Rapporteurs and hoped that the High Commissioner, in collaboration with the ILO, would use his moral authority to ensure respect for the fundamental rights of workers as enshrined in both human rights and ILO conventions. That would further the realization of the right to development as well as the cause of peace.

The PRESIDENT proposed that the letter from the Chairman of the Commission on Human rights addressed to the President of the Council should be taken up when the Council considered programme questions, and that the Council should take note of the other reports submitted to it under sub-item (d).

It was so decided.

Action on recommendations contained in the report of the Commission on Human Rights (E/1994/24 and E/1994/L.15)

Draft resolutions I and II

Draft resolutions I and II were adopted.

Mr. RUEHL (United States of America) noted that his delegation had not participated in the discussion of the resolution referred to in draft resolution II.

Draft resolutions III and IV

Draft resolutions III and IV were adopted.

Draft decision 1

Draft decision 1 was adopted.

Mr. MUCH (Germany) said that draft decision 1 addressed an issue whose importance could not be overestimated, that of the transition to democracy in South Africa. The European Community called on all parties to leave violence behind and to help further that transition. The European Union had undertaken to provide a package of economic measures to help South Africa and to intensify a political dialogue intended to consolidate democratic institutions in that country.

Draft decisions 2 and 3

Draft decisions 2 and 3 were adopted.

Draft decision 4

At the request of the representative of the United States of America, a recorded vote was taken on the draft decision.

In favor:	Angola, Australia, Bahamas, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Egypt, France, Gabon, Ghana, India, Indonesia, Ireland, Kuwait, Libyan Arab Jamahiriya, Madagascar, Mexico, Norway, Pakistan, Paraguay, Philippines, Republic of Korea, Romania, Senegal, Sri Lanka, Suriname, Ukraine, United Republic of Tanzania, Venezuela, Zimbabwe
Against:	Japan, United Kingdom of Great Britain and Northern Ireland, United States of America
Abstaining:	Belarus, Belgium, Canada, Germany, Greece, Italy, Poland, Portugal, Russian Federation

Draft decision 4 was adopted by 38 votes to 3, with 9 abstentions.

Mr. CRAPATURNEANU (Romania), speaking in explanation of vote, said that there was a strong interrelationship between democracy and human rights. It was important to take into account the consensus language reflected in the Vienna Declaration and Programme of Action. Moreover, since the individual was the subject of the development process, it was appropriate to use expressions such as "human sustainable development".

Although his delegation had voted in favour of the draft decision, it shared the opinion of other delegations that portions of the text could be improved. It hoped that the Working Group could identify common agreed-upon language in order to eliminate the issues that had impeded adoption by consensus.

Mr. BIGGAR (Ireland) said that his delegation had voted in favour of the proposal because it strongly supported the right to development, on which consensus language had been agreed at the World Conference on Human Rights in Vienna. Implementation of the right to development should be considered in the Working Group. His delegation trusted that the procedural matters set out in Commission on Human Rights resolution 1994/21 on "The right to development", particularly regarding the joint consultative meeting of the members of the Working Group and the Chairpersons of the treaty bodies, and the participation of the regional economic commissions and the heads of international financial institutions, would contribute to a full and fruitful consideration of the matter.

His delegation noted with regret that resolution 1994/21 contained a number of elements which departed from the consensus achieved in Vienna and hoped that future changes in wording would bring about consensus on the resolution.

Mrs. HORIUCHI (Japan) said that the consensus reached in Vienna regarding the right to development had been one of the most important outcomes of the World Conference on Human Rights. It was therefore regrettable that the Commission on Human Rights, at its latest session, had not been able to reach a consensus on a resolution on that issue because of some paragraphs, particularly operative paragraphs 2 and 6, which departed from the language used in Vienna.

Mr. MONGBE (Benin) said that the right to development was a fundamental right which had been recognized implicitly in the Rio Declaration and clarified in Vienna. His delegation was therefore troubled to see that that right was not accepted independently of any other considerations. It was not the Economic and Social Council's function to engage in legal hairsplitting. Commitment to peace, sustainable development and human development implied acceptance of the right to development. His delegation hoped that at the Council's next session, the remaining textual difficulties would have been resolved and the draft decision would be adopted by consensus. In fact, however, since development was a fundamental right, a vote should not have been necessary, nor should one have been requested.

Mr. FENN (United Kingdom) said that he supported Benin's position. While the United Kingdom had acknowledged the right to development in the Vienna Declaration and had worked hard in Geneva at the World Conference on Human Rights to achieve a consensus text, it felt that the resulting resolution moved beyond the consensus achieved in Vienna. His delegation had therefore felt compelled to vote against it. The United Kingdom would continue to work towards future consensus.

Mr. RUEHL (United States of America) said that his delegation had stated its position at the World Conference on Human Rights in Geneva and did not mean to explain itself again. However, moved by the words of the representative of Benin, it wished to explain that it had voted not against the right to development, but against a decision and a resolution with whose wording and content it disagreed. His delegation would continue to work towards consensus on the matter.

Draft decision 5

Draft decision 5 was adopted.

Draft decision 6

Draft decision 6 was adopted.

Draft decision 7

Draft decision 7 was adopted.

Draft decision 8

Draft decision 8 was adopted.

Draft decision 9

Mr. FERNANDEZ PALACIOS (Cuba) said that draft decision 9 should be modified by inserting the words, «within the framework of the mandate established by the Commission» after the words «by the States concerned» in order to make the draft decision more closely correspond to paragraph 4 of Commission on Human Rights resolution 1994/32.

Mr. FENN (United Kingdom) said that he disagreed not with the substantive point made by the representative of Cuba, but with the implication that mandates resided in the declarations of the Economic and Social Council, which must therefore be elaborated at great length until they so closely resembled the resolutions of the Commission on Human Rights that the latter might as well not exist. If the Working Group was in doubt regarding its mandate, it could refer directly to the relevant Commission on Human Rights resolutions.

Mr. FERNANDEZ PALACIOS (Cuba) said that the Economic and Social Council was a principal organ of the United Nations, with the absolute right to change or withdraw any recommendation of a subsidiary organ. He wished only to improve the wording of the Council's decisions and make them correspond to the texts of the resolutions. He suggested that discussion of the matter should continue informally and that the Council should take a decision on the question at the end of the current session.

Mr. RUEHL (United States of America) supported the remarks of the representative of the United Kingdom. The resolutions under consideration had already been adopted by the Commission on Human Rights and had been reviewed by those members of the Commission who were also members of the Economic and Social Council. Cuba had a very able delegation in Geneva and could have proposed revisions in that forum.

Mr. FERNANDEZ PALACIOS (Cuba) reminded the representative of the United States that the recommendation in question had been circulated on the last night of the World Conference on Human Rights and that some delegations, however able, had not had time to review them before the close of the Conference.

Mr. MONGBE (Benin) said that the texts of resolutions of subsidiary organs could indeed be revised by the Economic and Social Council. Not all Council members were members of subsidiary bodies, and the Economic and Social Council was not obliged to accept the resolutions of such bodies. It would be preferable for the matter to be taken up in informal discussions at another time.

Ms. FENG Cui (China) said that while resolution 1994/32 had been adopted by the Commission on Human Rights, draft decision 9 should be discussed by the Economic and Social Council. Her delegation supported the amendment proposed by Cuba and felt that it was important to raise the question of the Working Group's mandate. Her delegation hoped that consensus could be achieved on the matter.

Consideration of draft decision 9 was postponed.

Draft decision 10

Draft decision 10 was adopted.

Draft decision 11

Draft decision 11 was adopted.

Draft decision 12

Draft decision 12 was adopted.

Draft decision 13

Draft decision 13 was adopted.

Draft decision 14

Draft decision 14 was adopted.

Draft decision 15

Mrs. CASTRO de BARISH (Costa Rica) said that her delegation was interested in the proclamation of a decade for human rights education. The High Commissioner for Human Rights had stressed the importance of education and information in the long-term strategy for improving respect for human rights throughout the world; that had also been recognized at the World Conference on Human Rights. She hoped that draft decision 15 would be adopted without a vote.

Draft decision 15 was adopted.

Draft decision 16

Draft decision 16 was adopted.

Draft decision 17

Draft decision 17 was adopted.

Mr. MUCH (Germany), speaking on behalf of the European Union, welcomed the signing of the Comprehensive Agreement on Human Rights and the agreements between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) on the repatriation of refugees and displaced persons and on the setting up of a committee of inquiry into past events. The European Union, which supported the efforts by President Ramiro de León Carpio to promote peace, respect for human rights and democratic reforms, trusted that those agreements would form the basis for a lasting peace in Guatemala. It hoped that the Government of Guatemala would take full advantage of the services of the independent expert of the Commission on Human Rights and that a United Nations human rights monitoring mission would be deployed soon.

Draft decision 18

Draft decision 18 was adopted.

Draft decision 19

Draft decision 19 was adopted.

Draft decision 20

Draft decision 20 was adopted.

Draft decision 21

Mr. FERNANDEZ PALACIOS (Cuba) said that Cuba did not recognize the decision by the Commission because it was the result of a discriminatory process dominated by the particular interests of the United States in maintaining Cuba under international scrutiny. The United States was not in a position to teach other nations about human rights because it had not only financed and supported oppressive regimes throughout the world but had also carried out wars of aggression and invaded, and occupied other countries in violation of international law. It had also failed to respect the needs of its own ethnic minorities and had tried for 30 years, through a brutal economic blockade, to owing the Cuban people to their knees. Cuba would never reject any dialogue and cooperation based on respect for the principles of sovereign equality. As it had nothing to hide, the Government of Cuba had decided to invite ..igh Commissioner for Human Rights to visit the country and to observe the situation at first hand. That invitation was a genuine expression of the Government's desire to cooperate in the area of human rights.

At the request of the representative of Cuba, a recorded vote was taken on the draft decision.

In favor:	Australia, Belgium, Bulgaria, Canada, Chile, Costa Rica, Cuba, Denmark, France, Germany, Greece, Ireland, Italy, Japan, Kuwait, Norway, Pakistan, Paraguay, Poland, Portugal, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America
Against:	Angola, China, Cuba, Ghana, India, Indonesia, Libyan Arab Jamahiriya, United Republic of Tanzania

Abstaining: Bahamas, Bangladesh, Belarus, Brazil, Colombia, Egypt, Gabon, Mexico, Philippines, Sri Lanka, Suriname, Ukraine, Venezuela, Zimbabwe

Draft decision 2 was adopted by 24 votes to 8, with 14 abstentions.

Mr. MUCH (Germany), speaking on behalf of the European Union, said that the European Union had supported the decision in order to express its deep concern over reports of violations of human rights in Cuba and called upon that country to tolerate dissenting opinions from its citizens and to cooperate with the Special Rapporteur on the situation of human rights in Cuba.

Mr. KAREV (Russian Federation) said that his delegation, which had voted in favour of the draft decision, welcomed Cuba's decision to invite the High Commissioner for Human Rights to visit Cuba.

Mr. FERNANDEZ-PALACIOS (Cuba) said that the European Union and its member States, where many of the manifestations of racism, racial discrimination and xenophobia were rampant, were not in a position to give Cuba any lectures on human rights.

Draft decision 22

Draft decision 22 was adopted.

Draft decision 23

Mr. ISSA (Egypt) said that his country had reservations about paragraphs 3, 4 and 5 of the draft decision on criteria for establishing justice which should be applied within the context of full respect for the cultural, religious and social customs in the society concerned. Matters such as full respect for the freedom of expression should not imply any lack of respect for religious, social and cultural values.

Draft decision 23 was adopted.

Mr. REZVANI (Observer for the Islamic Republic of Iran) said that his delegation dissociated itself from the draft decision, which reflected neither the actual situation of human rights in his country nor the spirit of cooperation extended by his country to the Commission on Human Rights.

Ms. FENG Cui (China) said that her delegation dissociated itself from the draft decision.

Mr. MUCH (Germany), speaking on behalf of the European Union, said that the European Union would have voted in favour of the draft decision because of its deep concern over continued reports of serious human rights violations and called upon the Government of Iran to cooperate with the Special Rapporteur so that he could fulfill his mandate. Iran should not only initiate a complete and thorough investigation of the murders in 1994 of two Christian priests and a bishop but should also take the necessary measures to protect citizens of all faiths.

Mr. AL-MUAKKAF (Libyan Arab Jamahiriya), together with Mr. AL-SAEID (Kuwait), Mr. AKRAM (Pakistan), Mr. MOMEN (Bangladesh), Mr. FERNANDEZ-PALACIOS (Cuba), Mr. SUTOYO (Indonesia), Ms. MURUGESAN (India) and Mrs. MSUYA (United Republic of Tanzania), said that had the draft decision been put to the vote, they would have voted against it.

The meeting rose at 6.15 p.m.